

United States Court of Appeals  
For the Eighth Circuit

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No. 15-3094

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United States of America

*Plaintiff - Appellee*

v.

Ricardo Diaz

*Defendant - Appellant*

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Appeal from United States District Court  
for the Western District of Missouri - Springfield

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Submitted: May 6, 2016

Filed: May 16, 2016

[Unpublished]

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Before LOKEN, BYE, and KELLY, Circuit Judges.

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PER CURIAM.

Ricardo Diaz, who was found incompetent to stand trial under 18 U.S.C. § 4241(d) on criminal charges involving assault on a federal officer and attempt to

set fire to government property, appeals the district court's<sup>1</sup> order committing him under 18 U.S.C. § 4246, which provides for the hospitalization of a person found after a hearing to be suffering from a mental disease or defect such that his release would create a substantial risk of bodily injury to another person or serious damage to the property of another. See United States v. Williams, 299 F.3d 673, 676 (8th Cir. 2002). For reversal, Diaz argues that there is insufficient evidence to support the district court's commitment order. Having reviewed for clear error the factual determinations underlying the district court's commitment decision, see id., we affirm.

Like the district court, we note that there is unanimous agreement among the mental health experts who assessed Diaz at the United States Medical Center for Federal Prisoners in Springfield, Missouri--where he is presently confined for treatment--that his release would be dangerous, in part because his symptoms persist even while he is taking psychiatric medication, and his aggressive behaviors have been linked to his delusional beliefs about suffering abuse at the hands of various governmental officials. The opinion of the mental health experts--combined with Diaz's history of violent behavior, substance abuse from a young age, limited insight into his mental condition, and history of failing to comply with prescribed medication--support the district court's commitment order. See Williams, 299 F.3d at 678; United States v. Ecker, 30 F.3d 966, 970 (8th Cir.1994) (suggested factors in determining potential dangerousness).

The judgment is affirmed, and counsel's motion to withdraw is granted.

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<sup>1</sup>The Honorable M. Douglas Harpool, United States District Judge for the Western District of Missouri, adopting the report and recommendations of the Honorable David P. Rush, United States Magistrate Judge for the Western District of Missouri.